

From: Richard Griest
To: Microsoft ATR
Date: 1/28/02 12:59pm
Subject: Microsoft Settlement

The Honorable Colleen Kollar Kotelly

U.S. District Judge

RE: U.S. DOJ /Microsoft Settlement

Your Honor:

The remedy proposed by the Department of Justice (DOJ) brings to mind the Oct. 22nd statement of the SEC chairman Harvey Pitt, "the SEC would henceforth be a kinder and gentler place for accountants. We all know what a disaster this attitude has resulted in, the Enron scandal.

That DOJ would accept the settlement it has, shows that either they don't understand the impact software has in a modern economy or they don't understand the way that Microsoft exerts a negative influence as a monopolist. This settlement is definitely not in the public interest.

I use software everyday on my job, as a controls engineer, in factory automation. Over the past two decades I have seen the software get more complex by an order of magnitude, requiring faster and faster computers just break even, with little increase in accomplishment. Increasingly you spend more time getting your operating systems and interfaces to work than you do actually writing the ladder logic that controls the motions and cycles of the factory equipment.

Personally, I feel the disclosure requirements required by Microsoft so that third parties can interface with Windows should be identical to that required by U.S. patent office. In the case of patents, if you don't publicly disclose enough information so that anyone skilled in the art can replicate your invention (interface with it in this case), your patent is invalidated.

Because it is a monopoly, a Microsoft copyright has the same effect as a patent, in preventing other people from entering the market. Forcing Microsoft to come up with a version of Office that would run on Linux as nine states who refused the DOJ settlement are requesting, still doesn't solve the problem. The real dollars are spent buying the Office product not in buying the Windows operating system. So you save \$200-\$300 by using Linux instead of Windows XP, you still have to fork over \$500-\$1000 to get Microsoft's Office for Linux.

In addition, there should be an anti-churning provision in the remedy. We are all familiar with churning in the stock market where your broker buys

and sells stocks solely for the purpose of gaining commissions. This is exactly what Microsoft does when it brings out a new version of Windows and forces everyone to upgrade. To prevent this, the court should allow only two versions of Windows to be copyrighted at any one time, a business version and a consumer version. When a new version is brought out, all previous versions would revert to the public domain.

One of the benefits of allowing a monopoly is the standardization that it can bring. With Microsoft having so many different versions of Windows the standardization is gone. This is true both from an operator standpoint and from a software standpoint as many programs will only run on one version of Windows.

Finally let me detail two instances of fraud on Microsoft's part. The first involves the removing of spelling check from the Internet Explorer 5 browser with Outlook Express.

When I downloaded I.E. 5 for free circa 4/28/99 it came with Outlook Express 5 version 5.00.2314.1300 for Windows 95. Under the tools menu the spelling check was a very useful feature for catching errors in you email. Recently I purchased a Dell Inspiron 3800 laptop that came with Windows 2000 and Outlook Express 5.00.2919.6700 which has the spelling check feature disabled.

In any other business this would be called bait and switch. Just to call up and ask the software support people at Dell about a Microsoft problem like this they want \$29 for each question asked. Microsoft refers you to the OEM you bought the computer from. Now that they have browser dominance Microsoft wants you to fork over \$500 for Office to get the spell checker you used to get for free. And with a Justice Department that "hears no evil", "sees no evil" and "speaks no evil" they get away with it.

The second instance of fraud involves the removal of QBasic from Windows 2000. If a person goes to a car showroom and sees an engine listed on the sticker, buys the car and then subsequently finds out it has no engine, he would have little trouble in sending that dealer to jail. Yet when Microsoft does the same thing the DOJ just looks the other way.

The contents of the help file is the software equivalent to an automobile window sticker. The help file for Windows 2000 <http://www.microsoft.com/windows2000/en/professional/help/default.asp> clearly shows that QBasic is included as part of the product.

When you inquire the Microsoft knowledge base as to why QBasic isn't on your CD rom it suggests copying it from an NT CD rom. In as much as not all people with Windows 2000 have legally purchased Windows NT, Microsoft is clearly guilty of conspiracy to get people to violate the copyright act by making these suggestions.

In as much as DOJ's knowledge of computers seems limited, let me elaborate on the significance of leaving out QBasic. A computer operating system such as Windows 2000 can do nothing towards solving problems, which is the reason most computers are purchased. Without QBasic or some other additional software your computer is a \$3000 piece of junk.

Deleting QBasic is another example of Microsoft's bait and switch. QBasic was part of Windows NT, and it says right on the Windows 2000 boot up screen "based on Windows NT" Yet QBasic is gone.

What Microsoft is doing here is described in the Wall Street Journal article "Technology Grows Up" by Walter S. Mossberg 10/25/01 pg B1 "On the software side a similar consolidation and drying up of innovation and competition has taken placeThere are two main reasons for the demise of boxed software. First, Microsoft has become a brutal monopolist in the key software categories squeezeing out competitors." (pardon the spelling mistakes, Microsoft took my spell checker away)

So now you have to purchase Microsoft's Visual C boxed software if you want to write some code to solve even the simplest of problems, like you can on a programable calculator.

Let me close by saying that it took extraordinary effort to locate the address to send these comments to even though I have been looking for months. I contacted Sun, several attorney generals offices, and my local newspaper's office. I find it significant that neither www.pcmag.com now www.pcworld.com felt comfortable posting the address on their web sites. This kind of fear only a monopolist commands. Something needs to be done.

Sincerely,

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